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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE FACEBOOK BIOMETRIC  
INFORMATION PRIVACY  
LITIGATION

Case No. 15-cv-03747-JD

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF  
LANA LUCCHESI RE: DISTRIBUTION  
OF SETTLEMENT FUNDS**

1 I, Lana Lucchesi, declare and state as follows:

2  
3 1. I am a Vice President with Gilardi & Co. LLC and KCC Class Action Services, LLC  
4 (collectively “Gilardi”), located in San Rafael, California. Pursuant to the Order Granting  
5 Preliminary Approval of Class Action Settlement (the “Preliminary Approval Order”) dated August  
6 19, 2020, the Court appointed Gilardi as the Claims Administrator in connection with the proposed  
7 Settlement of the above-captioned Action.<sup>1</sup> I have personal knowledge of the matters stated herein  
8 and, if called upon, could and would testify thereto.

9 2. This declaration supplements my previous declarations for the purpose of updating  
10 the parties and the Court with distribution activity.

### 11 **CLASS LIST**

12 3. On August 31, 2020, Gilardi received from Defendant a list of 16,741,162 records  
13 identified as the Class List. The Class List included names, email addresses, phone numbers, and  
14 whether Facebook’s record indicated there was a face template. For several records in the Class  
15 List, the data contained multiple distinct email addresses associated with the same record. The  
16 Parties instructed Gilardi to send notice to each of these email addresses. Gilardi entered the Class  
17 List information into its proprietary database and prepared a data file for the initial emailing. Prior  
18 to emailing, Gilardi caused the 18,197,758 total emails in the Class List to be run through an email  
19 cleanse in order to confirm the validity of the addresses. This process resulted in a total of  
20 15,372,960 emails to be sent the initial email notice associated with 12,340,049 accounts. This  
21 process also identified a total of 2,608,319 emails that were no longer a valid address.

### 22 **EMAILED NOTICE AND REMINDER NOTICE**

23 4. From September 18, 2020 through September 23, 2020, Gilardi caused the Email  
24 Notice to be emailed to the 15,372,960 addresses in the Class List.

25 5. Of the 15,372,960 Email Notices that were sent, 10,295,502 emails were  
26 successfully delivered to at least one of the email addresses associated with an account.

27  
28 <sup>1</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the  
Amended Stipulation of Class Action Settlement, dated July 22, 2020 (the “Amended Stipulation”)  
and/or the Preliminary Approval Order.

1           6.       On October 6, 2020, Gilardi was instructed by the Parties to initiate resends to Gmail  
2 email addresses only. From October 7, 2020 through October 8, 2020, Gilardi caused the Email  
3 Notice to be re-sent via email to the 5,775,431 Gmail addresses.

4           7.       Of the 5,775,431 Email Notices that were re-sent, 5,774,687 were successfully  
5 delivered and 744 were undeliverable.

6           8.       From November 3, 2020 through November 9, 2020, Gilardi caused a follow-up  
7 email reminder campaign (the “Reminder Email Notice”) to be emailed to 12,888,208 addresses in  
8 the Class List.

9           9.       Of the 12,888,208 Reminder Email Notices that were sent, 9,956,299 were  
10 successfully delivered and 2,931,909 were undeliverable.

11           10.      Ultimately, of the 34,036,599 total emails that were sent, 25,336,835 (74.4%) were  
12 successfully delivered. Delivery of at least one email was successful to 11,326,353 of the  
13 12,340,049 accounts on the Class List that was associated with an email (91.8%).

14                           **PUBLICATION OF THE SUMMARY NOTICE**

15           11.      Gilardi caused the Summary Notice to be published in the September 23, 2020  
16 editions of the *Chicago Tribune* and *Chicago Sun-Times*.

17           12.      In addition, Gilardi purchased 27,100,000 impressions to be distributed via the  
18 Google Display Network. The impressions appeared on both mobile and desktop devices from  
19 September 23, 2020 through October 23, 2020. A total of 27,907,627 impressions were delivered,  
20 resulting in an additional 807,627 impressions at no extra charge.

21                           **SETTLEMENT WEBSITE**

22           13.      On September 18, 2020, Gilardi established a website  
23 [[www.facebookbipaclassaction.com](http://www.facebookbipaclassaction.com)] dedicated to this matter to provide information to the Class  
24 Members and to answer frequently asked questions. The website URL was set forth in the Email  
25 Notice, Reminder Email Notice, Long-Form Class Notice (English and Spanish versions), and the  
26 Summary Notice. Visitors of the website can download copies of the Long-form Class Notice in  
27 English or Spanish, Claim Form, and other case-related documents. In addition, on October 16,  
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2020, the Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Incentive Awards was posted to the settlement website. Visitors can also submit claims online. As of June 7, 2022, the website has received 7,406,367 visits.

#### **TELEPHONE HOTLINE**

14. Gilardi established and continues to maintain a toll-free telephone number (1-844-799-2417) for potential Class Members to call and obtain information about the Settlement, request a Notice Packet, and/or seek assistance from a live operator during regular business hours. The telephone hotline became operational on September 17, 2020, and is accessible 24 hours a day, 7 days a week. As of June 7, 2022, Gilardi has received a total of 160,327 calls to the telephone hotline, of which 13,073 calls were handled by a live operator.

#### **CLAIM FORMS**

1. The postmark deadline for Class Members to file claims in this matter was November 23, 2020. Gilardi has received 1,571,692 timely-filed claim forms and 614 claims received after the deadline. Of those claim forms, 1,384,561 are valid. 175,828 duplicate claims have been identified, 11,298 claims have been identified as denied and are considered ineligible and out of class, while 5 claims have been identified as deficient for missing information on their claim form.

#### **REPORT ON EXCLUSION REQUESTS**

2. The Notice informs Class Members that requests for exclusion from the Class must be postmarked no later than November 23, 2020. Gilardi has received 110 requests for exclusion. Of these, one was received after the deadline and is considered late.

#### **OBJECTIONS TO THE SETTLEMENT**

3. The postmark deadline for Class Members to object to the settlement was November 23, 2020. Gilardi has not received any objections to the settlement.

#### **SETTLEMENT FUND**

4. On May 3, 2022, Gilardi received a payment from the Escrow Account to the Qualified Settlement Fund (“QSF”) in the amount of \$549,981,996.58.

1           5. Pursuant to the Court's Order, Gilardi issued the following payments from the QSF:  
2 (a) class member settlement payments to 1,383,445 class members totaling \$549,226,873 and (b)  
3 tax compliance fees for 2021 totaling \$2,100.

4           6. Commencing on May 9, 2022, 927,551 checks were issued via USPS Mailing  
5 totaling \$368,237,747. Commencing on May 10, 2022, 190,446 Zelle payments were issued via  
6 electronic transfer totaling \$75,606,666. Commencing on May 11, 2022, 72,734 ACH payments  
7 were issued via electronic transfer totaling \$28,875,002. Commencing on May 17, 2022, 192,714  
8 PayPal payments were issued via electronic transfer totaling \$76,507,458. The initial distributions  
9 were completed on May 31, 2022. The settlement checks are valid until August 8, 2022, so we do  
10 not yet know the value of checks not cashed or how much will be distributed to the designated *cy*  
11 *pres* recipient.

12           7. On or around July 1, 2022, Gilardi will be re-issuing payments to class members  
13 associated with unsuccessful electronic transfers via USPS Mailing. This will also include an  
14 additional 1,116 checks that were initially held-back for quality assurance purposes as they were  
15 unable to be processed via electronic transfer.

16           8. Each approved claim was awarded \$397.

17           9. The previously approved administration costs by the Court was in the amount of  
18 \$1,828,009.89. However, due to the appeal process Gilardi received an unanticipated high volume  
19 of calls and e-mails received from potential class members requesting to update their contact  
20 information throughout the months of April and May 2022. As of the date of this declaration,  
21 Gilardi has incurred costs of administration in the amount of \$1,965,576.41. As work is still  
22 ongoing, and due to the constantly fluctuating volume of calls, we anticipate the total final cost of  
23 administration to completion to be between \$2,304,566.50 and \$2,426,666.50. There will also be  
24 an additional tax compliance fee for 2022 totaling \$2,700.00.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on June 17, 2022 at San Rafael, California.  
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8 Lana Lucchesi  
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